

1 DAVID S. GINGRAS, #021097
2 **GINGRAS LAW OFFICE, PLLC**
3 4802 East Ray Road, #23-271
4 Phoenix, Arizona 85044
5 Telephone: (480) 264-1400
6 Facsimile: (480) 248-3196
7 David@GingrasLaw.com
8 Applicant

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF ARIZONA**

9 In re: Matter of the Application of David
10 Gingras,

11 Applicant.

MISCELLANEOUS ACTION
Case No:

12 **REQUEST FOR SUBPOENAS TO**
13 **IDENTIFY INFRINGERS**
14 **PURSUANT TO 17 U.S.C. § 512(h);**
15 **AND SUPPORTING**
16 **DECLARATION**

17 Pursuant to 17 U.S.C. § 512(h), Applicant David Gingras hereby requests the
18 Clerk of this Court issue the attached Subpoena Duces Tecum to non-party Reddit, Inc.
19 for the purpose of identifying certain alleged infringer(s).

20 **I. APPLICABLE LAW**

21 17 U.S.C. § 512(h) provides as follows:

22 **(h) Subpoena To Identify Infringer.—**

23 **(1) Request.—**

24 A copyright owner or a person authorized to act on the owner's behalf
25 may request the clerk of any United States district court to issue a
26 subpoena to a service provider for identification of an alleged infringer
in accordance with this subsection.

27 **(2) Contents of request.—**

28 The request may be made by filing with the clerk—

- 1 (A) a copy of a notification described in subsection (c)(3)(A);
2 (B) a proposed subpoena; and
3 (C) a sworn declaration to the effect that the purpose for which
4 the subpoena is sought is to obtain the identity of an alleged
5 infringer and that such information will only be used for the
6 purpose of protecting rights under this title.

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11 **(3) Contents of subpoena.—**

12 The subpoena shall authorize and order the service provider receiving
13 the notification and the subpoena to expeditiously disclose to the
14 copyright owner or person authorized by the copyright owner
15 information sufficient to identify the alleged infringer of the material
16 described in the notification to the extent such information is available
17 to the service provider.

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21 **(4) Basis for granting subpoena.—**

22 If the notification filed satisfies the provisions of subsection (c)(3)(A),
23 the proposed subpoena is in proper form, and the accompanying
24 declaration is properly executed, the clerk shall expeditiously issue and
25 sign the proposed subpoena and return it to the requester for delivery to
26 the service provider.

27
28 **(5) Actions of service provider receiving subpoena.—**

Upon receipt of the issued subpoena, either accompanying or
subsequent to the receipt of a notification described in subsection
(c)(3)(A), the service provider shall expeditiously disclose to the
copyright owner or person authorized by the copyright owner the
information required by the subpoena, notwithstanding any other
provision of law and regardless of whether the service provider responds
to the notification.

(6) Rules applicable to subpoena.—

Unless otherwise provided by this section or by applicable rules of the
court, the procedure for issuance and delivery of the subpoena, and the
remedies for noncompliance with the subpoena, shall be governed to the
greatest extent practicable by those provisions of the Federal Rules of
Civil Procedure governing the issuance, service, and enforcement of a
subpoena duces tecum.

II. REQUEST FOR SUBPOENAS DUCES TECUM

Applicant satisfies each of the requirements of 17 U.S.C. § 512(h) as follows:

1. A true and correct copy of Applicant's notification as described in 17 U.S.C. § 512(c)(3)(A) is attached hereto as Exhibit A;
2. The form of the proposed subpoena to Respondent is attached hereto as Exhibit B;
3. A sworn declaration to the effect that the purpose for which the subpoena is sought is to obtain the identity of an alleged infringer and that such information will only be used for the purpose of protecting rights under Title 17 of the United States Code, is attached hereto as Exhibit C.

Wherefore, Applicant David Gingras requests the Clerk of this Court to issue the subpoena to Respondent in the form submitted herewith.

DATED Dec. 4, 2024.

/s/ David Gingras
David Gingras
Applicant

Exhibit A

David Gingras

From: David Gingras
Sent: Thursday, November 21, 2024 9:18 AM
To: copyright@reddit.com; Laura Owens
Subject: DMCA Takedown Notice

Hi Reddit DMCA Peeps!

My name is David Gingras. I am a lawyer in Phoenix, Arizona, and I'm sending you this notification of claimed infringement per 17 U.S.C. § 512(c)(3).

NOTE – I have been the DMCA agent for many websites, and I have reviewed literally 10s of thousands of DMCA notices in my life. For that reason, I will give you all of the information to ensure this notice is valid, but I will also give you a little extra information to make this easier and less boring.

Here's the deal – I am currently representing a woman named Laura Owens in a case involving a guy named Clayton Echard. Clayton was previously the star on the reality TV show, The Bachelor.

Laura claimed she became pregnant after hooking up with Clayton in 2023. In response, Clayton claimed Laura "faked" her pregnancy. This is the subject of a pending lawsuit here in Arizona. I won't bore you with all the details, except to say the case has generated TONS of attention. The case also has an extremely active community on Reddit here: <https://www.reddit.com/r/JusticeForClayton>

Clayton's fans have posted TONS of YouTube videos about this case. And by tons, I mean *thousands* of videos.

As part of my effort to respond to Clayton's fans, I have started posting my own videos talking about the case. These are videos that I create myself, and I am the copyright owner in all of them. My channel is here: <https://www.youtube.com/@DavidSGingras>

Clayton's fans are, generally speaking, *total fucking psychotic assholes*. As part of this, Clayton's fans (the ones with YouTube channels) have recently started copying my videos and streaming them on their own channels. They are doing this for the stated purpose of ensuring that I do not get views on my own channel.

Below is a screenshot of a tweet where one of Clayton's fans brags about this specific issue – asking people to go watch MY videos on someone else's channel so I will not get views on my channel.

NOTE – I submitted a DMCA complaint to YouTube regarding a recent incident of Clayton's fans stealing my content. YouTube agreed with my position and removed the infringing content.

Clayton's fans, being the total fucking assholes that they are, have come up with a new plan – rather than streaming my videos on other YouTube channels, they are *writing detailed descriptions of my videos* and posting those descriptions on Reddit. Again, they are doing this for the stated purpose of ensuring that I cannot monetize my own copyrighted works.

I don't need to explain this to you, but creating detailed written descriptions of my videos for the purpose of stopping people from actually watching my videos is NOT fair use. This is creating a *derivative work*, and it's a violation of 17 U.S.C. § 106(2).

With that said, here is the information you need:

- 1.) Physical or electronic signature – no problem: /s/ David S. Gingras
- 2.) Identification of the copyrighted works claimed to have been infringed:
 - a. <https://youtu.be/jPjNrjfKQ2k?si=2qnXNyNXN83NWQzu> (video entitled: "Owens v. Echard Update - David READS Judge Mata's BAR COMPLAINT!")
 - b. <https://youtu.be/yS3zYCzBXUY?si=Mc-vwjzq9zX-AOtX> (video entitled: "Laura Owens & David Gingras Discuss Clayton Echard Appeal in Arizona Paternity Case; Nov. 17, 2024")
- 3.) Identification of infringing works:
 - a. https://www.reddit.com/r/JusticeForClayton/comments/1gw4gvj/recap_of_gingras_reading_matas_bar_complaint/ (posting by user r/hitoezakura entitled: "Recap of Gingras Reading Mata's Bar Complaint")
 - b. https://www.reddit.com/r/JusticeForClayton/comments/1gttg32/summary_of_lodg_video_discussing_appeal_brief/ (appears to have been removed for some other violation)
 - c. https://www.reddit.com/r/JusticeForClayton/comments/1gttcuy/summary_of_the_video_released_by_lodg/ (posting by user r/hitoezakura entitled: "Summary of the video released by LO/DG")
- 4.) My contact info: David Gingras, 4802 E. Ray Road, #23-271, Phoenix, AZ 85044; (480) 264-1400; david@gingraslaw.com
- 5.) Statement: "I have a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law."
- 6.) The information in this notification is accurate, and under penalty of perjury, I am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed (me).


Please note – the person stealing my content is user r/hitoezakura. Because this person has committed three separate acts of infringement, I request that you terminate this user's account as a repeat infringer.

As always, if you have questions, just let me know. Thanks.

David S. Gingras on X: "My latest" x +

x.com/DavidSGingras/status/1857277587287916779

Post


 **David S. Gingras**
@DavidSGingras

My latest video: youtu.be/lpZXtijSKVik


To be clear - Megan F asked me recently for permission to use my prior video. I said that was fine. Cool.

NEW RULE - if any JFC YT person posts ANY part of this, strike you.

The reason is this JFC asshole:

 **I ♥ Seeking Justice for All Victims of Laura Owens**
@ClaytonsJustice

Rather than give @DavidSGingras views, here is @LethalLauren covering his brief video posted tonight, discussing the app filing shortly on behalf of his client #LauraMichelleOwens #JusticeForAllVictimsOfLauraMichelleOwens #Gaslighting

 **Lauren Neidigh** @LethalLauren904 · Nov 12

Laura Owens' Attorney Posts Video to Share Their Side, Plans to Interview with Owens
youtube.com/live/N4icMRA-X...

<http://gingraslaw.com>

Tel.: (480) 264-1400

Fax: (480) 248-3196



Exhibit B

UNITED STATES DISTRICT COURT

for the
District of Arizona

David Gingras

Plaintiff

v.

Defendant

)
)
)
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)

Civil Action No. Miscellaneous Proceeding

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Reddit, Inc. c/o CSC Lawyers Incorporating Service; 2710 Gateway Oaks Dr., Sacramento, CA 95833

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Any documents you have showing the true identity of Reddit user u/hitoezakura (see also: <https://www.reddit.com/user/hitoezakura/>) including the user's true name, email address, contact information, and IP address logs for any logins by such person in the last 3 months.

Place: Gingras Law Office, PLLC
4802 E. Ray Road, #23-271, Phoenix, AZ 85048
david@gingraslaw.com

Date and Time:

12/27/2024 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk_____
Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____
David Gingras _____, who issues or requests this subpoena, are:

David Gingras, Esq., 4802 E Ray Road, #23-271, Phoenix, AZ 85044; Tel: (480) 264-1400; david@gingraslaw.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. Miscellaneous Proceeding

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Exhibit C

DECLARATION OF DAVID GINGRAS

I, David Gingras, having first been duly sworn, hereby state as follows:

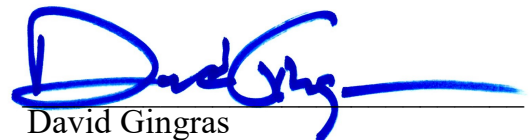
1. My name is David Gingras. I am a United States citizen, a resident of the State of Arizona, am over the age of 18 years, and if called to testify in court or other proceeding I could and would give the following testimony which is based upon my own personal knowledge.

2. Pursuant to 17 U.S.C. § 512(h), I hereby state that the subpoena(s) which are the subject of this request are sought to obtain the identity of an alleged infringer and that such information will only be used for the purpose of protecting rights under Title 17 of the United States Code.

3. I further declare that I have a good faith belief that the conduct at issue here does not constitute fair use within the meaning of 17 U.S.C. § 107 and *Baugh v. GoDaddy.com, LLC*, Case No. MC-19-00034-PHX-JJT 2021 U.S. Dist. LEXIS 204449, 2021 WL 4942658 (D.Ariz. Oct. 22, 2021).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United State of America that the foregoing is true and correct.

Executed on December 4, 2024


David Gingras